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STEVEN Z. LEGON
OF COUNSEL

MEMORANDUM ENDORSED

January 30, 2023

By E.C.F.

Hon. Gregory H. Woods
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Andrew Whalen, Docket No. 22-Cr.-701 (GHW)

Dear Judge Woods:

This letter motion is respectfully submitted to request a modification of defendant Andrew Whalen's conditions of pretrial release, removing the requirement that his \$75,000 personal recognizance bond be cosigned by two financially responsible persons, with all other conditions to remain the same.¹

On November 22, 2022, the defendant, Andrew Whelan, appeared before Magistrate Judge Ona T. Wang, with counsel, and was ordered released pursuant to the terms of an agreed upon bail package with the government, which specified the following conditions of release: a \$75,000 Personal recognizance bond to be cosigned by two financially responsible persons; Travel restricted to the Southern and Eastern Districts of New York; Surrender travel documents and no new applications; Pretrial supervision as directed by Pretrial Services; Drug testing and treatment; Home detention; Electronic monitoring; Defendant to continue or seek employment; Defendant to be released on own signature; plus report to Pretrial Services for bracelet the following day; Remaining conditions to be met by December 6, 2022; Location monitoring tech as directed by Pretrial Services; No contact with co-defendants unless in presence of counsel; and Refrain from possession of illegal substance unless prescribed by a licensed practitioner.

On December 6, 2022, defendant filed a motion for an extension of time to be able to comply with the conditions of his pretrial relief, which was granted, extending the time by one week, to December 13, 2022. On December 20, 2022, an indictment was filed against

¹ Although the date set by the Court for Andrew Whalen to obtain two cosigners for his personal recognizance bond was January 18, 2023, we continued working towards getting this matter resolved with the government, which we were ultimately able to do. We apologize for the delay, and respectfully request that the Court consider this application out of time.

Andrew Whalen in this case. On January 4, 2023, Andrew Whelan appeared before your Honor and was arraigned by the Court on the above-referenced indictment. After Andrew Whalen was arraigned by the Court, the parties addressed a letter motion, filed by defense counsel earlier the same day, requesting that the additional condition of mental health counseling be added by the Court to Andrew Whalen's existing conditions of pretrial release. Moreover, the court granted Andrew Whalen additional time until January 18, 2023, to obtain two co-signers for his personal recognizance bond.

Despite his best efforts, Andrew Whalen was not able to obtain two financially responsible co-signers; however, after several discussions with the government, defense counsel has been advised by A.U.S.A. Jonathan Bodansky that the government consents to the removal of the condition that Andrew Whalen's \$75,000 personal recognizance bond be cosigned by two financially responsible persons, with all other conditions to remain the same.

Respectfully,

Anthony L. Ricco

Anthony L. Ricco

cc: A.U.S.A. Jonathan Bodansky

Application granted. The conditions of Mr. Whelan's pretrial release are modified as follows: the requirement that Mr. Whelan's personal recognizance bond be cosigned by two financially responsible persons is eliminated. All other conditions of his pretrial release remain in full force and effect.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 15.

SO ORDERED.

Dated: January 31, 2023

New York, New York



GREGORY H. WOODS
United States District Judge